

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

THE DAILY WIRE, LLC,
et al.,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
STATE,**
et al.,

Defendants.

Civil Action No. 6:23-cv-00609 (JDK)

DECLARATION OF DANIEL KIMMAGE

I, Daniel Kimmage, declare pursuant to 28 U.S.C. § 1746 the following, based on my personal knowledge and information acquired by me in the course of performing my official duties, and information contained in the records of the Global Engagement Center.

1. I currently serve as the Principal Deputy Coordinator in the Department of State's Global Engagement Center (GEC). I report to the Special Envoy and Coordinator of the GEC, James Rubin. In this position, I oversee the GEC's daily operations, provide senior counsel to the GEC's leadership team, and represent the GEC to key stakeholders. I have served in this position since December 2022. Prior to this, I was the acting Coordinator of the GEC from January 2017 to February 2019, Principal Deputy Coordinator from February 2019 to February 2021, and acting Coordinator again from February to July 2021. Before the GEC's creation in 2017, I served in several State Department positions, including the Principal Deputy Coordinator of the Center for Strategic Counterterrorism Communications in 2014-2015. From August 2021 to June 2022, I was at National Defense

University's Eisenhower School, where I earned a degree in strategy and resource management for national security and recognition as a Distinguished Graduate. I am over the age of 21 years and am competent to make this declaration.

2. In connection with my responsibilities as Principal Deputy Coordinator, I am generally familiar with this civil action.
3. Congress has defined the mission of the GEC as follows: "[t]o direct, lead, synchronize, integrate, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and foreign non-state propaganda and disinformation efforts aimed at undermining or influencing the policies, security, or stability of the United States and United States allies and partner nations." *See* National Defense Authorization Act for Fiscal Year 2017, 22 U.S.C. §2656, Pub. L. 114-328, Div. A, Title XII, § 1287, Dec. 23, 2016, 130 Stat. 2546, as amended Pub. L. 115-232, Div. A, Title XII, § 1284, Aug. 13, 2018, 132 Stat. 2076.
4. The GEC carries out its statutory mission to counter propaganda and disinformation from foreign state and foreign non-state actors along five lines of effort: (1) analytics and research, (2) international partnerships, (3) programs and campaigns, (4) exposure, and (5) technology assessment and engagement. In terms of programs and campaigns, the GEC's teams focused, respectively, on Russia, the People's Republic of China (PRC), Iran, and Counterterrorism seek to build societal and institutional resilience to foreign propaganda and disinformation abroad. The GEC produces exposure reports of tactics employed by foreign actors to raise awareness of foreign disinformation and propaganda. The GEC also identifies innovative solutions to foreign disinformation and propaganda through overseas technology challenge programs, and it engages with social media and

technology companies to facilitate a better understanding of the techniques and trends in foreign actors' dissemination of propaganda and disinformation overseas.

5. For the GEC's purposes, "disinformation" is defined as "false or misleading information that is deliberately created or spread with the intent to deceive or mislead." "Foreign information manipulation" refers to foreign state and foreign non-state disinformation and propaganda. Disinformation from foreign state and foreign non-state actors is of critical concern to the United States. For example, disinformation is one of Russia's most important and far-reaching tools in support of its full-scale invasion of Ukraine. Russia has operationalized the concept of perpetual adversarial competition in the information environment by encouraging the development of a disinformation and propaganda ecosystem. This ecosystem creates and spreads false narratives to advance Russia's policy goals.
6. Russia creates and spreads disinformation in an attempt to confuse and overwhelm people's perceptions about Russia's real actions in Ukraine and elsewhere. Russia's intelligence services operate, task, and influence websites that present themselves as news outlets to spread lies and sow discord. Disinformation is a quick and relatively cheap way to destabilize societies and set the stage for potential military action.
7. The People's Republic of China (PRC), for its part, spends billions of dollars annually on its foreign information manipulation efforts. The PRC employs a variety of deceptive and coercive methods as it attempts to influence the international information environment, including propaganda, disinformation, and censorship. Beijing uses false or biased information to promote positive views of the PRC and the Chinese Communist Party. At the same time, the PRC suppresses critical information that contradicts its desired

narratives on issues such as Taiwan, its human rights practices, the South China Sea, its domestic economy, and international economic engagement. The PRC's information manipulation is a challenge to the integrity of the global information space. Unchecked, Beijing's efforts could result in a future in which technology exported by the PRC, coopted local governments, and fear of Beijing's direct retaliation produce a sharp contraction of global freedom of expression.

8. The GEC plays an essential role in coordinating U.S. government efforts and helping to lead a global response to such foreign malign influence. A central part of this effort is understanding the technologies that support the spread of foreign disinformation and propaganda, and how technology can be harnessed to counter such spread.
9. This function is specifically mandated by Congress. Congress directed the GEC to undertake a number of specific functions in the National Defense Authorization Act for Fiscal Year 2017 (FY 2017 NDAA), including to “[f]acilitate the use of a wide range of technologies and techniques by sharing expertise among Federal departments and agencies, seeking expertise from external sources, and implementing best practices.” *See* National Defense Authorization Act for Fiscal Year 2017, 22 U.S.C. §2656, Pub. L. 114-328, Div. A, Title XII, § 1287, Dec. 23, 2016, 130 Stat. 2546, as amended Pub. L. 115-232, Div. A, Title XII, § 1284, Aug. 13, 2018, 132 Stat. 2076.
10. Consistent with this statutory directive, the GEC, through its Technology Engagement Team (TET), has worked to identify, assess, test, and implement technologies to address the problems of foreign propaganda and disinformation in cooperation with foreign partners, private industry, and academia.
11. Historically, TET has carried out this mission through initiatives such as:

- Tech Demo Series: In 2019, the GEC established a forum for private sector companies to present their technologies to an audience of U.S. government and foreign officials. These presentations generally consisted of the private sector company presenting a tool. The GEC asked the private sector company to explain how the technological tool could be used to counter foreign state and foreign non-state information manipulation. For example, one Demo saw an academic institution present an experimental AI algorithm that analyzed country-level censorship technology in places like the PRC and Iran. Invitations to present were not an endorsement of the company's technological tool, but rather an opportunity for government officials to discuss how the tool could be used to advance their missions;
- Testbeds: A testbed is shorthand for a short-term interaction between a specific U.S. government entity and a technology provider. The stages of the testbed are as follows: (1) the GEC coordinates with a U.S. government entity to identify a technological gap that exists for that U.S. government entity in countering foreign information manipulation; (2) the GEC identifies a potential technological solution to fill the gap; (3) a statement of work is drafted outlining the objective of the test, the expectations of the participants, and stated deliverables for that test; and (4) the U.S. government evaluates the work performed;
- International Tech Challenges: Tech Challenges are typically one- or two-day public events held abroad to develop partnerships with technology entities based outside the United States. The GEC, either directly or through a third-party implementer (grantee or contractor), invites technologists from a specific country

or region to submit applications to present innovative solutions to counter foreign information manipulation overseas to a panel of judges and an audience of government, civil society, private sector, and academic stakeholders. Eight to ten finalists are chosen to present their technological solutions, and up to three awardees are selected to receive an award (e.g. grant, contract, subgrant, or subcontract, as appropriate) from the GEC to perform a short-term project in accordance with conditions outlined in a statement of work. The GEC's most recent Tech Challenge took place in Côte d'Ivoire in September 2023;

- Private Sector Engagement: The GEC's private sector engagement portfolio entails engagement to facilitate knowledge-sharing between the U.S. government and the tech sector, academia, and the research community on the topic of foreign information manipulation overseas. Generally, the engagement focuses on trends, tactics, and techniques in foreign information manipulation, as well as upcoming events and topics of potential interest. The GEC's practice when sharing information with social media companies is not to request that the companies take any specific actions on said information. The GEC's private sector engagements facilitate the GEC's understanding of the problems Congress charges it with addressing. The individual who had the lead on this effort from 2019 to 2022 worked from the Silicon Valley area; and
- Disinfo Cloud: Disinfo Cloud was an unclassified platform that acted as a repository to catalog technologies to counter foreign information manipulation, including assessments of such technologies where available. GEC has not used Disinfo Cloud since December 2021.

12. Third-party implementers play an important role in the GEC's performance of its statutorily mandated functions, including the technology assessment work of TET. Consistent with its authorities under section 1287 of the FY 2017 NDAA, the GEC uses both contract and grant vehicles to support its work. Contracts and grants are managed and monitored by the GEC in accordance with applicable law, including applicable federal regulations and Department policy. In implementing a GEC grant or contract, the recipient entity ("prime recipient") may make subawards, by grant or contract as appropriate, to other entities ("subrecipients"). The prime recipient is responsible for monitoring the activities of the subrecipient, ensuring that such activities are carried out in a manner consistent with the relevant prime award, and for providing relevant information concerning subrecipient compliance to the GEC. The GEC does not directly manage or supervise the work of subrecipients.
13. In September 2018, in support of TET's efforts, the GEC awarded an approximately three-million-dollar grant to Park Capital Investment Group LLC ("Park Advisors") to test and engineer novel technological solutions – through combination, hybridization, or other applications of existing technologies – to the problems of foreign propaganda and disinformation, and rapidly make those technologies available for use by partners in the field. Additional funding was added to the award through various cost amendments. At its conclusion, the award totaled approximately \$6.5 million. Under this grant, Park Advisors administered the Testbed initiative, International Tech Challenges, and the Disinfo Cloud platform.
14. **Testbed Initiative.** As explained above, the Testbed initiative tests how existing technologies can be used to provide solutions to foreign information manipulation

challenges. As part of this initiative, Park Advisors worked with the GEC to conduct outreach to other U.S. government agencies to understand key needs and gaps in counter-disinformation work, and then worked to identify the best technology or technologies to test. Testbed results were made available primarily to U.S. government agency and foreign partners via the Disinfo Cloud platform while that platform existed.

15. As part of the Testbed, Park Advisors issued a \$25,000 subaward to NewsGuard in November 2020 for a four-month project to help the GEC and United States Cyber Command (USCYBERCOM), the unified combatant command for the cyberspace domain, better understand the origins, content, and spread of Russian and PRC disinformation campaigns. This subaward to NewsGuard concluded in early 2021.

16. In 2022, NewsGuard did some additional work with the GEC and Park Advisors related to Russian disinformation narratives circulating in Venezuela. My understanding is that this work, and the \$25,000 subaward in 2020 described above, represent the only work done by NewsGuard in connection with the Park Advisors grant. All such work was in support of addressing foreign information manipulation.

17. **International Tech Challenges.** Under its grant from the GEC, Park Advisors also supported the administration of International Tech Challenges. One such Challenge, the U.S.-Paris Tech Challenge, took place in Paris in 2021. It aimed to advance the development of promising and innovative technologies against foreign information manipulation. As a Challenge outcome, foreign technology companies were selected to receive subgrants. The purpose of sub-grants made as part of the U.S.-Paris Tech Challenge was to address foreign information manipulation challenges overseas. None of the subgrants made in connection with this challenge, including the subgrant to Disinformation

Index Ltd., d/b/a Global Disinformation Index (GDI), further discussed below, were for the purpose of addressing disinformation or other activities in the United States.

18. One of the subgrants made by Park Advisors as part of the U.S.-Paris Tech Challenge was to GDI in October 2021 for \$100,000. The objective of the subgrant was to expand GDI's existing disinformation risk measurement capability across a set of countries and languages in East Asia and Europe. The aim, in accordance with the GEC's congressional mandate, was to provide researchers, tech platforms, media, and commercial platforms with the data needed to counter foreign information manipulation harmful to U.S. national security interests overseas. The subgrant funded activities for a three-month period ending on December 31, 2021. The subgrant to GDI was in support of addressing foreign information manipulation overseas, not in the United States. My understanding, based on the information available in our records, is that this was the only award that Park Advisors issued to GDI under its grant from the GEC.

19. As of the date of this declaration, the GEC does not have any ongoing grants, contracts, or subawards with GDI or NewsGuard and is not otherwise doing any work currently with those entities.

20. **Disinfo Cloud**. In August 2019, Park Advisors launched the Disinfo Cloud platform to bring together the assessments from the Testbed and allow for the exploration of counter-disinformation tools filtered by various criteria. By the end of 2021, Disinfo Cloud listed 366 tools and technologies relevant to countering foreign information manipulation. As part of this initiative, Park Advisors launched a weekly newsletter, Disinfo Cloud Digest, in December 2020 to provide updates related to Disinfo Cloud. Park Advisors also created a Twitter account for Disinfo Cloud. GEC's use of Disinfo Cloud ended in December 2021,

and GEC no longer has access to the platform. Similarly, the Disinfo Cloud Digest was also retired in December 2021. The Disinfo Cloud Twitter account has not been active since December 2021.

21. The GEC works constantly to assess how best to balance competing priorities and structure its efforts to carry out its statutory mission and functions most effectively. While no longer administered by Park Advisors, the Testbed and International Tech Challenges initiatives have continued, first through a subcontract with the consultancy company Becera, and now managed directly by the GEC. Rights to Disinfo Cloud resided with Park Advisors, and the GEC's use of that platform ended in December 2021. The Tech Demo Series ended in summer 2023 when the GEC assessed, as it balanced limited resources and competing priorities, that the series was no longer a critical effort. While the GEC continues to engage with the private sector as part of its work, it has not had a representative based in Silicon Valley since January 2022.

22. GEC has not made any efforts to prevent the State of Texas or any private actor from enforcing HB 20 against social media platforms, or to otherwise interfere with the State's efforts to maintain compliance with HB 20.

23. I am aware that plaintiffs in this action have asked for the following preliminary injunctive relief:

Plaintiffs...hereby move to preliminary enjoin Defendants from continuing to fund, test, market, promote, host on its platform, and/or otherwise assist with or encourage the development or use of technology that targets in whole, or in part, Americans' speech or the American press.

24. Plaintiffs' proposed preliminary injunction would significantly harm the GEC's ability to perform its statutorily mandated work described above to "facilitate the use of a wide range of technologies and techniques by sharing expertise among Federal departments and

agencies, seeking expertise from external sources, and implementing best practices.” For example, under a broad reading of the proposed preliminary injunction, GEC efforts to identify technology to counter the misuse of Artificial Intelligence (AI) by foreign adversaries could be considered “encourag[ing] the development or use of technology” targeting American speech to the extent that such technology could also be used in a domestic context, even if that was not the purpose or effect of GEC’s effort.

25. The GEC’s ability to counter foreign information manipulation requires a cutting-edge understanding of the technologies our adversaries are using and the technologies under development to respond to those techniques and narratives. If the proposed preliminary injunction prohibited GEC from taking any action to test or use technology to counter disinformation and propaganda overseas simply because those tools could, as a result of events outside of the GEC’s control, someday be used by third parties in the United States, it would severely constrain GEC’s ability to carry out its statutorily mandated mission.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed in Washington, D.C. on this 15th day of March, 2024.

A handwritten signature in black ink, appearing to read "Daniel Kimmage", is written over a horizontal line.

Daniel Kimmage
Principal Deputy Coordinator
Global Engagement Center
U.S. Department of State